

REMARKS

Claims 1-16 and 21-42 have been cancelled. The title of the application has been changed. No new matter has been added. Claims 17-20 are pending in this application.

Information Disclosure Statement

The objection to the Information Disclosure Statement (IDS) has been addressed in the Response to Objection to Information Disclosure Statement, filed April 13, 2004. This Response traversed the objection, and provided evidence that the copies of references had been received by the Office of Initial Patent Examination (OIPE) at the U.S. Patent & Trademark Office. Copies of the cited references were again provided in that Response.

Rejection under 35 U.S.C. § 102

Rejection over Day et al.

Claims 17-20 were rejected under 35 U.S.C. § 102(a) over Day et al. (*Inorg. Chem.* **2001**, *40*, 5738-5746). This reference lists as authors Victor W. Day, Walter G. Klemperer, and Margaret Mary Pafford. The present application, as originally filed, listed as inventors Patrick J. Hentges, Laura H. Greene, Glenn Westwood, Margaret Mary Pafford, and Walter G. Klemperer.

The rejection of the claims over Day et al. is respectfully traversed, as this reference is describing Applicants' own work and was published less than one year before the filing date of this application. In support of this traversal, the following documents are attached:

- Petition To Correct Inventorship
- Declaration of Margaret Mary Pafford
- Declaration of Walter G. Klemperer

As noted in the Petition To Correct Inventorship, the inventors of the present application are Margaret Mary Pafford and Walter G. Klemperer. The Declarations of these two inventors state that this reference describes their own work, and that co-author Victor W. Day provided X-ray crystallographic characterization of the product of their work. The earliest publication date of the Day et al. reference is listed at the bottom of the reference as October 29, 2001. The present application was filed less than one year from this date, on January 9, 2002. As noted in MPEP § 2132.01:

Applicant's disclosure of his or her own work within the year before the application filing date cannot be used against him or her under 35 U.S.C. 102(a) *In re Katz*, 215 USPQ 14 (CCPA 1982).

Accordingly, Day et al. is **not** a proper reference under 35 U.S.C. § 102(a), as this reference discloses the inventors' own work and was published within one year before the application filing date. Applicants respectfully request that this rejection be withdrawn.

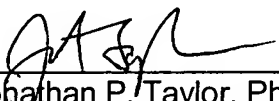
Conclusion

In conclusion, all of the grounds raised in the outstanding Office Action for rejecting the application are believed to be overcome or rendered moot based on the amendments and remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in condition for allowance. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Also submitted at this time is a Petition For Extension Of Time for three (3) months.

Respectfully submitted,

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